

Article - Family Law

[\[Previous\]](#)[\[Next\]](#)

§5–3B–27.

(a) (1) This section applies only to an adoption by:

(i) an individual who is the spouse of the prospective adoptee's mother at the time of the prospective adoptee's conception or birth; or

(ii) an individual who, together with the prospective adoptee's mother, consented to the conception of the prospective adoptee by means of assisted reproduction with the shared express intent of being parents of the prospective adoptee.

(2) This section does not apply to a nonconsensual adoption under § 5–3B–22 of this subtitle.

(b) In a proceeding under this section, the petitioner shall file, together with the petition for adoption:

(1) (i) for an adoption described in subsection (a)(1)(i) of this section, a copy of the petitioner's and prospective adoptee's mother's marriage certificate; or

(ii) for an adoption described in subsection (a)(1)(ii) of this section, evidence of the parties' shared express intent to become parents of the child by means of assisted reproduction, including a copy of any written agreement consenting to the conception of the prospective adoptee by means of assisted reproduction;

(2) a copy of the prospective adoptee's birth certificate; and

(3) a statement explaining the circumstances of the prospective adoptee's conception in detail sufficient to identify any individual who may be entitled to notice or whose consent may be required under this subtitle.

(c) (1) In ruling on a petition for adoption under this section, the court may not require an investigation under § 5–3B–16 of this subtitle or a hearing under § 5–3B–17 of this subtitle, except for good cause.

(2) The court may hold a hearing to determine whether there are additional individuals who may be entitled to notice or whose consent may be

required under this subtitle if the court is not satisfied from the pleadings that the appropriate notice or consent has been provided.

(d) The court shall enter an order for adoption under this section on finding that:

(1) (i) the petitioner was married to the prospective adoptee's mother at the time of the prospective adoptee's birth; or

(ii) the petitioner and the prospective adoptee's mother consent to the conception of the child by means of assisted reproduction with the shared express intent to be parents of the child;

(2) each of the prospective adoptee's living parents, as defined in § 5–3B–01 of this subtitle, and any known gamete donor have consented to the adoption:

(i) in writing; or

(ii) by failure to file timely notice of objection after being served with a show-cause order in accordance with this subtitle; and

(3) the adoption is in the best interest of the child.

(e) (1) An order for adoption granted under this section is confirmation of parentage established under § 1–206(b) or § 1–208(b)(2) of the Estates and Trusts Article.

(2) This section may not be construed to require an individual who is a parent of a child under § 1–206 or § 1–208 of the Estates and Trusts Article to adopt the child.

(3) Unless a prospective adoptee's living parent consents to the termination of the parent's parental duties, obligations, or rights, an order for adoption granted under this section does not terminate the parental duties, obligations, or rights.

[\[Previous\]](#)[\[Next\]](#)